



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EVILLE VARGAS,

Petitioner,

10 Civ. 7604
(DAB) (GWG)
ADOPTION OF REPORT
AND RECOMMENDATION

-against-

JAMES J. WALSH,

Respondent.

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DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon a Report and Recommendation ("Report") of United States Magistrate Judge Gabriel W. Gorenstein, which was filed April 14, 2011. Petitioner brings this Petition seeking a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The Report recommends that the Petition be denied.

According to 28 U.S.C. § 636(b)(1)(C), "[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. Rule 72(b)(2) (stating that "[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations"). Despite being advised

accordingly in Judge Gorenstein's Report and Recommendation, to date, no objections to the Report have been filed.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation, Docket Entry No. 14, of United States Magistrate Judge Gabriel W. Gorenstein, dated April 14, 2011, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. Petitioner's Petition for Writ of Habeas Corpus is DENIED;

3. As Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253;

4. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438 (1962); and

5. The Clerk of Court is directed to CLOSE the docket
in this case.

SO ORDERED.

DATED: New York, New York

May 18, 2011

Deborah A. Batts

Deborah A. Batts
United States District